

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:20-cv-00708-FDW-DSC

MONTEZ DENARD HARRIS,

Plaintiff,

vs.

EQUIFAX,

Defendant.

ORDER

THIS MATTER is before the Court *sua sponte* following Plaintiff's failure to comply with this Court's Order directing him to file an Amended Complaint that includes all claims and allegations against Defendant, as well as a completed summons, by December 15, 2022. (Doc. No. 11). Plaintiff has failed to comply, and the time for doing so has expired. In that Order, the Court *sua sponte* allowed Plaintiff the opportunity to amend and reserve the complaint in lieu of dismissing the case. As the Court warned, failure to comply with those directives and within the deadlines set forth therein "will result in summary dismissal of the claims without prejudice." (Doc. No. 11, p. 5). For the reasons stated in the Court's prior Order and those reasons below, this matter is DISMISSED WITHOUT PREJUDICE.


Plaintiff's delays throughout this litigation and failure to timely comply with the Court's Order provide a sufficient basis for dismissal of the instant case. Evans v. Nottoway Corr. Ctr. Med. Dep't, Providers, & Staff, No. 21-7402, 2022 WL 521720, at \*1 (4th Cir. Feb. 22, 2022) ("Courts have inherent power to dismiss an action for want of prosecution. Attkisson v. Holder, 925 F.3d 606, 625 (4th Cir. 2019) (citations omitted). . . . When a litigant has ignored an express

warning that noncompliance with a court order will result in dismissal, the district court *should* dismiss the case.” (citing Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989) (emphasis added)). And, dismissal without prejudice to refile a new action does not substantially prejudice Plaintiff here. The Court permitted him to file this action in forma pauperis and Plaintiff appears pro se, so his financial burden in pursuing the instant action has been minimal. In addition, the Court expressly notes that nothing in this Order should be construed as a ruling on the merits of Plaintiff’s claims under the Fair Credit Reporting Act and for invasion of his right to privacy under North Carolina law.

IT IS THEREFORE ORDERED that Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE. This ruling is WITHOUT LEAVE TO AMEND for the reasons stated above and is therefore a final order of this Court.

IT IS SO ORDERED.

Signed: December 22, 2022

  
Frank D. Whitney  
United States District Judge

